

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL STEVE COX,

Plaintiff,

vs.

BILL DONAT, et al.,

Defendants.

3:09-CV-125-BES (RAM)

ORDER

Defendants have filed a Motion to Revoke Plaintiff's *In Forma Pauperis* Status (Doc. #14). Upon reading the Motion the court finds that it is well taken and requires no further briefing on the matter.

As far back as November 8, 2004, this court has found that Plaintiff was subject to the three-strike rule in 28 U.S.C. § 1915(g). In that case the court ordered that "If Plaintiff, while incarcerated, seeks to proceed in forma pauperis in any new case in federal court, he shall attach a copy of this Order to his application to proceed in forma pauperis, or he shall plainly inform the court in such application that he has been held subject to restrictions of 28 U.S.C. § 1915(g)." Plaintiff did neither in his Application to Proceed *In Forma Pauperis* in this action (Doc. #1).

From the Exhibits attached to Defendants' Motion it is clear that Plaintiff is well aware that he is subject to the three-strikes rule, but chooses to ignore the direction of the court.

A review of Plaintiff's Complaint does not indicate that he is imminent danger of severe bodily harm or death.

1 In view of the above, Defendants' Motion to Revoke Plaintiff's *In Forma Pauperis* Status
2 (Doc. #14) is **GRANTED**.

3 Because Plaintiff's *in forma pauperis* application was erroneously granted in the first
4 instance, the following orders entered by the court are **RESCINDED**:

- 5 • Order Granting Motion/Application for Leave to Proceed *In Forma Pauperis* (Doc. #3)
- 6 • Order Granting Plaintiff's Motion for Extension of Time (Doc. #5)
- 7 • Screening Order Allowing the Filing of Plaintiff's Complaint (Doc. #8)
- 8 • Order Scheduling Inmate Early Mediation Conference (Doc. #12)

9 Plaintiff's Complaint (Doc. #9) which was filed July 14, 2009, is deemed **UNFILED**.

10 Plaintiff will have fifteen (15) days from the date of this order to pay the full filing fee of
11 \$350.00, or provide the court with a sworn statement, demonstrating that he is in imminent
12 danger of severe bodily harm or death. This sworn statement will be subject to all the
13 penalties of perjury. **FAILURE TO COMPLY WITHIN FIFTEEN (15) DAYS FROM**
14 **THE DATE OF THIS ORDER WILL RESULT IN DISMISSAL OF THIS ACTION.**

15 DATED: August 25, 2009.

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UNITED STATES MAGISTRATE JUDGE